



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

PATENT #23
B. Webley
9/16/04

Applicants: O. S. Khalil, et al.

Serial No.: 09/419,461

Filed: October 15, 1999

For: METHOD FOR MODULATING LIGHT PENETRATION DEPTH IN TISSUE AND DIAGNOSTIC APPLICATIONS USING SAME

Group Art Unit: 3736

Examiner: M. Kremer

File No.: 6351.US.P2

Date: November 20, 2003

Certificate of Mailing under 37 CFR §1.8(a):

hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as First Class Mail addressed to:

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Michele M. Bonke
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INFORMATION DISCLOSURE STATEMENT

Mail Stop RCE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313 - 1450

Dear Sir:

The following information is submitted pursuant to 37 CFR §§1.97 and 1.98 in accordance with applicants' duty of disclosure under 37 CFR §1.56. This submission is not an admission that the documents cited herein are prior art as to the invention claimed.

The references submitted are listed on the attached Form PTO-1449, and a copy of each is enclosed. Review is respectfully requested, and the Examiner is asked to place his/her initials next to each reference listed on the form to indicate that the reference was considered.

Because this Information Disclosure Statement is being submitted before the mailing of a first Office action on the merits of the application, it is believed that, under 37 CFR §1.97(b)(3), no fee is due in connection herewith.

Respectfully submitted,
O. S. Khalil, et al.

David L. Weinstein
David L. Weinstein
Registration No. 28,128
Attorney for Applicants

23492

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Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

FEE TRANSMITTAL

Patent fees are subject to annual revision on October 1.

These are the fees effective October 1, 1997.

Small Entity payments must be supported by a small entity statement, otherwise large entity fees must be paid. See Forms PTO/SB/09-12. See 37 C.F.R. §§1.27 and 1.28.

TOTAL AMOUNT OF PAYMENT (\$ 1,336.00)

| Complete if Known | |
|----------------------|--------------------|
| Application Number | |
| Filing Date | October 15, 1999 |
| First Named Inventor | O.S. Khalil |
| Examiner Name | (not yet assigned) |
| Group / Art Unit | (not yet assigned) |
| Attorney Docket No. | 6351.US.P2 |

METHOD OF PAYMENT (check one)

1. The Commissioner is hereby authorized to charge indicated fees and credit any over payments to:Deposit Account Number 01-0025
Deposit Account Name Abbott Laboratories Charge Any Additional Fee Required Under 37 C.F.R. §§ 1.16 and 1.17 Charge the Issue Fee Set in 37 C.F.R. § 1.18 at the Mailing of the Notice of Allowance2. Payment Enclosed: Check Money Order Other

FEE CALCULATION

1. BASIC FILING FEE

| Large Entity Fee Code (\$) | Small Entity Fee Code (\$) | Fee Description | Fee Paid |
|----------------------------|----------------------------|-----------------|----------|
| 101 | 790 | 201 | 395 |
| Utility filing fee | | | 760.00 |
| 106 | 330 | 206 | 165 |
| Design filing fee | | | |
| 107 | 540 | 207 | 270 |
| Plant filing fee | | | |
| 108 | 790 | 208 | 395 |
| Reissue filing fee | | | |
| 114 | 150 | 214 | 75 |
| Provisional filing fee | | | |
| SUBTOTAL (1) | | (\$) | 760.00 |

2. EXTRA CLAIM FEES

| | Extra Claims | Fee from below | Fee Paid |
|--------------------|--------------|----------------|------------------|
| Total Claims | 52 | -20** = 32 | x 18.00 = 576.00 |
| Independent Claims | 3 | - 3** = 0 | x 78.00 = 00.00 |
| Multiple Dependent | | | |

**or number previously paid, if greater; For Reissues, see below

| Large Entity Fee Code (\$) | Small Entity Fee Code (\$) | Fee Description |
|----------------------------|----------------------------|--|
| 103 | 22 | 203 |
| 11 | 11 | Claims in excess of 20 |
| 102 | 82 | 202 |
| 41 | | Independent claims in excess of 3 |
| 104 | 270 | 204 |
| 135 | | Multiple dependent claim, if not paid |
| 109 | 82 | 209 |
| 41 | | ** Reissue independent claims overoriginal patent |
| 110 | 22 | 210 |
| 11 | | ** Reissue claims in excess of 20 andoveroriginal patent |
| SUBTOTAL (2) | | (\$ 576.00) |

3. ADDITIONAL FEES

| Large Entity Fee Code (\$) | Small Entity Fee Code (\$) | Fee Description | Fee Paid |
|----------------------------|----------------------------|--|----------|
| 105 | 130 | 205 | 65 |
| | | Surcharge - late filing fee or oath | |
| 127 | 50 | 227 | 25 |
| | | Surcharge - late provisional filing fee or cover sheet | |
| 139 | 130 | 139 | 130 |
| | | Non-English specification | |
| 147 | 2,520 | 147 | 2,520 |
| | | For filing a request for reexamination | |
| 112 | 920* | 112 | 920* |
| | | Requesting publication of SIR prior to Examiner action | |
| 113 | 1,840* | 113 | 1,840* |
| | | Requesting publication of SIR after Examiner action | |
| 115 | 110 | 215 | 55 |
| | | Extension for reply within first month | |
| 116 | 400 | 216 | 200 |
| | | Extension for reply within second month | |
| 117 | 950 | 217 | 475 |
| | | Extension for reply within third month | |
| 118 | 1,510 | 218 | 755 |
| | | Extension for reply within fourth month | |
| 128 | 2,060 | 228 | 1,030 |
| | | Extension for reply within fifth month | |
| 119 | 310 | 219 | 155 |
| | | Notice of Appeal | |
| 120 | 310 | 220 | 155 |
| | | Filing a brief in support of an appeal | |
| 121 | 270 | 221 | 135 |
| | | Request for oral hearing | |
| 138 | 1,510 | 138 | 1,510 |
| | | Petition to institute a public use proceeding | |
| 140 | 110 | 240 | 55 |
| | | Petition to revive - unavoidable | |
| 141 | 1,320 | 241 | 660 |
| | | Petition to revive - unintentional | |
| 142 | 1,320 | 242 | 660 |
| | | Utility issue fee (or reissue) | |
| 143 | 450 | 243 | 225 |
| | | Design issue fee | |
| 144 | 670 | 244 | 335 |
| | | Plant issue fee | |
| 122 | 130 | 122 | 130 |
| | | Petitions to the Commissioner | |
| 123 | 50 | 123 | 50 |
| | | Petitions related to provisional applications | |
| 126 | 240 | 126 | 240 |
| | | Submission of Information Disclosure Stmt | |
| 581 | 40 | 581 | 40 |
| | | Recording each patent assignment per property (times number of properties) | |
| 146 | 790 | 246 | 395 |
| | | Filing a submission after final rejection (37 CFR 1.129(a)) | |
| 149 | 790 | 249 | 395 |
| | | For each additional invention to be examined (37 CFR 1.129(b)) | |

Other fee (specify) _____

Other fee (specify) _____

* Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$ 0)

SUBMITTED BY

Complete (if applicable)

| | | | |
|-----------------------|---|-------------|------------------|
| Typed or Printed Name | David L. Weinstein | Reg. Number | 28,128 |
| Signature |  | Date | October 15, 1999 |

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.